

REMARKS

Claim Rejections under 35 USC 102(b)

Rejection of Claims 1-10 and 15-18 under 35 USC 102(b) as being anticipated by U.S. Patent No. 3,500,618 to Sokol.

The Examiner has rejected Claims 1-10 and 15-18 under 35 USC 102(b) as being anticipated by U.S. Patent No. 3,500,618 to Sokol. According to the Examiner, Sokol provides in Figure 1 a trapezoidal shaped thermoplastic fibrous mat formed of thermoplastic filaments. Additionally according to the Examiner, the recitation "a weep vent" has not been given patentable weight because the recitation occurs in the preamble. Applicant has amended Claims 1-10 and Claims 15-18 to more clearly define Applicant's invention relative to Sokol. Specifically, Applicant has amended Claim 1, canceled Claims 3 and 5, and amended Claims 6-8 and 10 to preserve proper dependency.

More specifically, Sokol is directed to an extended air filter useful in heating and air conditioning applications that displays improved filtering efficiency due to its increased size area. The Sokol air filter consists essentially of a pair of air filter batts, each of which batts is generally trapezoidal and coextensive. Additionally, the Sokol air filter is not disclosed as relating to, adapted for or in any way useful in connection with weep venting functions in a masonry wall.

Applicant has amended Claim 1 to require the weep vent thereof to be substantially planar and to have a substantially uniform thickness that substantially equals that of a mortar joint area of a masonry wall. Sokol does not provide that its ventilation air filter is substantially planar and has a substantially uniform thickness that substantially equals that of a mortar joint area of a masonry wall. Additionally, Sokol does not teach a weep vent structure. By amending Claim 1 as presently submitted, Applicant submits that the body of the claim now more fully relates to the preamble of the claim and that the preamble, namely "a weep vent," breathes life and meaning into the claim and accordingly provides patentable weight to the claim.

Accordingly, Applicant respectfully submits that its amendment of Claim 1 suitably overcomes the rejection of Claim 1 with respect to Sokol. Additionally, since claims 2-3 and 6-10 depend from Claim 1, Applicant respectfully submits that Claims 1-3

and 6-10, as variously amended pursuant hereto, overcome the rejection with respect to Sokol.

Regarding Claims 15-18, Applicant has amended Claims 15-18 to more clearly define Applicant's invention relative to Sokol. Specifically, Applicant has amended Claim 15 to require the weep vent thereof to be cooperatively associated with a masonry wall. Because the Sokol air filter is not disclosed as relating to, adapted for or in any way useful in connection with weep venting functions in a masonry wall, it is respectfully submitted that the current amendment of Claim 15 traverses the rejection thereof with respect to Sokol. Additionally, because Claims 16-18 depend from Claim 15, it is respectfully submitted that the rejection of Claims 15-18 with respect to Sokol is overcome.

Therefore, because Applicant has amended Claims 1-10 and 15-18 to more clearly define Applicant's invention over Sokol, it is respectfully submitted that the rejection of Claims 1-3 and 6-10 and 15-18 over Sokol is overcome. Accordingly, withdrawal of the rejection of Claims 1-10 and 15-18 is respectfully requested.

Rejection of Claims 1-10 and 15-18 under 35 USC 102(b) as being anticipated by U.S. Patent No. 3,468,096 to Franz.

The Examiner has rejected Claims 1-10 and 15-18 under 35 USC 102(b) as anticipated by U.S. Patent No. 3,468,096 to Franz. According to the Examiner, Franz provides in Figure 3 a trapezoidal shaped thermoplastic fibrous mat formed of thermoplastic filaments. Additionally according to the Examiner, the recitation "a weep vent" has not been given patentable weight because the recitation occurs in the preamble. Applicant has amended Claims 1-10 and Claims 15-18 to more clearly define Applicant's invention relative to Franz. Specifically, Applicant has amended Claim 1, canceled Claims 3 and 5, and amended Claims 6-8 and 10 to preserve proper dependency.

More specifically, Franz is directed to a method of interposing a washing compound between superposed layers of nonwoven fibrous material and sealing the layers. The methods thereof are particularly adapted for manufacturing cleaning and/or scouring pads. The Franz methods are not disclosed as relating to, adapted for or in any way useful in connection with weep venting functions in a masonry wall. Accordingly,

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Applicant has amended Claim 1 to require the weep vent thereof to be substantially planar and to have a substantially uniform thickness that substantially equals that of a mortar joint area of a masonry wall. Franz does not provide that its methods or the pads produced thereby are substantially planar and have a substantially uniform thickness that substantially equals that of a mortar joint area of a masonry wall.

Applicant has amended Claim 1 to require the weep vent thereof to be substantially planar and to have a substantially uniform thickness that substantially equals that of a mortar joint area of a masonry wall. Franz does not provide that its ventilation air filter is substantially planar and has a substantially uniform thickness that substantially equals that of a mortar joint area of a masonry wall. Additionally, Franz does not teach a weep vent structure. By amending Claim 1 as presently submitted, Applicant submits that the body of the claim now more fully relates to the preamble of the claim and that the preamble, namely "a weep vent," breathes life and meaning into the claim and accordingly provides patentable weight to the claim.

Accordingly, Applicant respectfully submits that its amendment of Claim 1 suitably overcomes the rejection of Claim 1 with respect to Franz. Additionally, since claims 2-3 and 6-10 depend from Claim 1, Applicant respectfully submits that Claims 1-3 and 6-10, as variously amended pursuant hereto, overcome the rejection with respect to Franz.

Regarding Claims 15-18, Applicant has amended Claims 15-18 to more clearly define Applicant's invention relative to Franz. Specifically, Applicant has amended Claim 15 to require the weep vent thereof to be cooperatively associated with a masonry wall. Because the Franz pad is not disclosed as relating to, adapted for or in any way useful in connection with weep venting functions in a masonry wall, it is respectfully submitted that the current amendment of Claim 15 traverses the rejection thereof with respect to Franz. Additionally, because Claims 16-18 depend from Claim 15, it is respectfully submitted that the rejection of Claims 15-18 with respect to Franz is overcome.

Therefore, because Applicant has amended Claims 1-10 and 15-18 to more clearly define Applicant's invention over Franz, it is respectfully submitted that the rejection of

Claims 1-10 and 15-18 over Franz is overcome. Accordingly, withdrawal of the rejection of Claims 1-10 and 15-18 is respectfully requested.

Rejection of Claims 1-16 and 18 under 35 USC 102(b) as being anticipated by U.S. Patent No. 6,112,476 to Schulenburg.

The Examiner has rejected Claims 1-16 and 18 under 35 USC 102(b) as anticipated by U.S. Patent No. 6,112,476 to Schulenburg. According to the Examiner, element 30 has a wider end 22 and a narrower end at approximately 21. Further according to the Examiner, all references to a wall in Claims 1-10 and 18 are made with intended use. Applicant has amended Claims 1-16 and 18 to more clearly define Applicant's invention relative to Schulenburg. Specifically, Applicant has amended Claim 1, canceled Claims 3 and 5, amended Claims 6-8, and 10 to preserve proper dependency, and amended Claims 11 and 15.

Specifically, Schulenburg teaches a masonry weep hole insert for placement in a weep hole in a masonry wall. The Schulenburg insert generally includes a first generally square portion (generally at approximately 21) and a rectangular portion (generally at approximately 22) disposed along a rear portion of the square-like portion. The rectangular portion is oriented relative to the square portion in a generally co-planar and co-linear manner according to which side walls of the rectangular portion are parallel to side walls of the square portion. Additionally, front and rear walls of the rectangular portion are also parallel to front and rear walls of the square portion. Furthermore, the Schulenburg insert is oriented vertically in a weep hole, according to which a longitudinal axis of the rectangular portion is disposed vertically relative to the weep hole.

Regarding Claims 1-10, Applicant has amended Claim 1 to require the weep vent thereof to be substantially planar and to have a substantially uniform thickness that substantially equals that of a mortar joint area of a masonry wall. Claim 1 additionally requires that the weep vent include opposed sides that extend in non-parallel relationship between the front end and the rear end. Schulenburg does not teach a weep vent insert having opposed sides that extend in non-parallel relationship between a front end and a rear end. In contrast, Schulenburg teaches a weep vent insert having opposed sides that extend parallel relative to each other. Accordingly, Applicant respectfully submits that

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its amendment of Claim 1 suitably overcomes the rejection of Claim 1 with respect to Schulenburg. Additionally, since claims 2-3 and 6-10 depend from Claim 1, Applicant respectfully submits that Claims 1-3 and 6-10, as variously amended pursuant hereto, overcome the rejection with respect to Schulenburg.

Regarding Claims 11-14, Applicant has amended Claim 11 to require the weep vent thereof to include opposed sides that extend in non-parallel relationship between the inner end region and the outer end region. Schulenburg does not teach a weep vent insert having opposed sides that extend in non-parallel relationship between an inner end region and an outer end region. In contrast, Schulenburg teaches a weep vent insert having opposed sides that extend parallel relative to each other. Accordingly, Applicant respectfully submits that its amendment of Claim 11 suitably overcomes the rejection of Claim 11 with respect to Schulenburg. Additionally, since claims 12-14 depend from Claim 11, Applicant respectfully submits that Claims 11-14, as variously amended pursuant hereto, overcome the rejection with respect to Schulenburg.

Regarding Claims 15, 16 and 18, Applicant has amended Claim 15 to require the weep vent to be cooperatively associated with a masonry wall. Additionally, Claim 15 also dictates that the weep vent includes opposed sides that extend in non-parallel relationship between front and rear end surfaces. Schulenburg does not teach . Schulenburg does not teach a weep vent insert having opposed sides that extend in non-parallel relationship between an inner end region and an outer end region. In contrast, Schulenburg teaches a weep vent insert having opposed sides that extend parallel relative to each other. Accordingly, Applicant respectfully submits that its amendment of Claim 15 suitably overcomes the rejection of Claim 15 with respect to Schulenburg. Additionally, since claims 16 and 18 depend from Claim 11, Applicant respectfully submits that Claims 15-18, as variously amended pursuant hereto, overcome the rejection with respect to Schulenburg.

McClain Reference, U.S. Patent No. 3,451,758

The Examiner has suggested that the McClain reference is similar to Franz and, accordingly, as inferred by Applicant's representative, could form the basis for a rejection

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on similar grounds as Franz. Similar to Franz, McClain discloses a trapezoidal scouring pad of non-woven fibrous material. Applicant submits, for the reasons noted above in reference to Franz, that the Claims, as presently amended, are distinguished over McClain.

Sourlis Reference, U.S. Pub. App. No. 2004/0182037

The Examiner has briefly asserted that Sourlis discloses a filament member 30 that may be trapezoidal. Sourlis in fact teaches a filament member which may be trapezoidal, but the filament member is disclosed as useful in connection with being disposed in a vertical cavity of a hollow rectangular building block (defined therein as a concrete masonry unit (CMU)). Applicant submits, for the reasons noted above in reference to Sokol, Franz, and Schulenburg, that the Claims, as presently amended, are distinguished over Sourlis.

New Claim 19

New Claim 19 has been added hereto. It is respectfully submitted that Claim 19 presents no new subject matter and is condition for allowance.

Summary

Applicant has amended Claims 1, 6-8, 10, 11, and 15, has canceled Claims 4 and 5, and added new Claim 19 so that the claims may more clearly define Applicant's invention and so that the claims may maintain proper dependency. No new matter has been added by these amendments.

It is respectfully submitted that all pending claims are in a condition for allowance. Allowance of the pending claims is respectfully requested.

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The Examiner is invited to telephone Applicant's representative to discuss any matters further.

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Respectfully submitted,

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